

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 DEBBIE HOLLAND,

11 Plaintiff,

12 v.

13 MICHAEL ASTRUE, Commissioner of
14 Social Security,

15 Defendant.
16

CASE NO. C09-5574JRC

ORDER

17 The Court, having reviewed the record, does hereby find and ORDER:

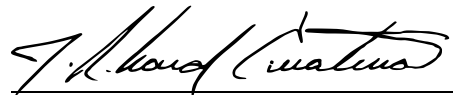
18 (1) Rule 4(m) of the Federal Rules of Civil Procedure requires a defendant to be
19 served within 120 days after the complaint is filed. Fed. R. Civ. P. Rule 4(m). Rule 4(l) requires
20 proof of service to be filed or made to the court. Fed. R. Civ. P. Rule 4(l). With regard to a
21 social security complaint, Rule 4(i) requires plaintiff to serve a summons and copy of complaint
22 on the following entities: (a) the United States attorney for the district in which the action is
23 brought or to an assistant United States attorney or clerical employee designated by the United
24 States attorney in a writing filed with the clerk of the court or the civil process clerk at the office
25 of the United States attorney; (b) the Attorney General of the United States at Washington,
26

1 District of Columbia; and (c) the officer or agency. At this time, the record does not show that
2 the complaint has been properly served.

3 (2) Rule (4)(m) requires the court to provide notice to the plaintiff before the matter
4 can be dismissed for lack of prosecution under that rule. Accordingly, plaintiff is hereby notified
5 that proof of service must be made to the court **by not later than March 3, 2010**. Otherwise,
6 the court will recommend dismissal of this case for failure to prosecute the matter.
7

8 (3) The Clerk is directed to send copies of this Order to plaintiff's counsel.

9 DATED this 5th day of February, 2010.

10
11
12 

13 J. Richard Creatura
14 United States Magistrate Judge
15
16
17
18
19
20
21
22
23
24
25
26